

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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PENNY LETENDRE,

U.S. DISTRICT COURT
DISTRICT OF MASS

Plaintiff,

C.A. NO 05-CV-10656MLW

v.

MIN S. AHN, M.D., and JANE DOE, and
MIN S. AHN M.D., P.C., d/b/a
THE AESTHETIC WELLNESS CENTER
-----X

**MOTION OF DEFENDANTS MIN S. AHN, M.D., and
MIN S. AHN, M.D., P.C. d/b/a THE AESTHETIC WELLNESS CENTER TO
CONVENE A MEDICAL MALPRACTICE TRIBUNAL PURSUANT TO M.G.L.
231 § 60B**

The Defendants Min S. Ahn, M.D., and Min S. Ahn, M.D., P.C., by counsel, respectfully request that this Court convene a Medical Malpractice Tribunal as soon as possible. As grounds for this Request, the Defendant Min S. Ahn, by counsel, states that the allegations as against him are in medical malpractice; that he is a licensed health care provider as defined by G.L. c. 231, §60B; and as such he has a statutory entitlement to a tribunal within 15 days of filing his Answer. Further, as detailed in the annexed Memorandum of Law, the defendants' right to a Tribunal was upheld in Feinstein v. Massachusetts General Hospital, 643 F.2d 880 (1st Cir. 1981).

Letendre v. Min S. Ahn, M.D.
Request of Defendant Min S. Ahn, M.D. for
Medical Malpractice Tribunal

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Wherefore, defendant respectfully requests that this Honorable Court convene a Medical Malpractice Tribunal as soon as possible with a medical member from within Doctor Ahn's specialty of dermatology.

Respectfully submitted
Min S. Ahn, M.D. and Min S. Ahn, M.D., P.C.
by counsel,

A handwritten signature in black ink, appearing to be 'A. Neuwirth', written over a horizontal line.

Andrew T. Neuwirth
B.B.O. #659415
Foster & Eldridge, LLP
One Canal Park, Suite 2100
Cambridge, MA 02141

Date: 5/10/05

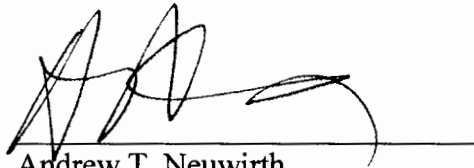
CERTIFICATE OF SERVICE

I, Andrew T. Neuwirth, hereby certify that I have served a copy of the enclosed Motion of Defendants Min S. Ahn, M.D., and Min S. Ahn, M.D., P.C. d/b/a The Aesthetic Wellness Center Motion to convene a Medical Malpractice Tribunal with accompanying Memorandum of Law and exhibits on:

Peter Petrarca, Esquire
Petrarca & Petrarca
330 Silver Spring Street
Providence, RI 02904

by mailing a copy of same, first-class postage prepaid, to the above.

Signed under the pains and penalties of perjury.

A handwritten signature in black ink, appearing to be 'A. Neuwirth', written over a horizontal line.

Andrew T. Neuwirth
Bar No.: 6641
Foster & Eldridge
One Canal Park, Suite 2100
Cambridge, MA 02141
Telephone: (617) 252-3366

DATED: 5/10/05

